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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,577	08/21/2003	John Vanlterson	API-114-A	9543

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EXAMINER

BLANKENSHIP, GREGORY A

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*He*

**Office Action Summary**

Application No.

10/646,577

Applicant(s)

VANLTERSON, JOHN

Examiner

Greg Blankenship

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5 and 7-22 is/are pending in the application.
- 4a) Of the above claim(s) 7-12 and 18-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 13-17, 21 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. The indicated allowability of claims 1-3, 5, 13-17, 21, and 22 is withdrawn in view of the newly discovered reference(s) to Neuschwanger et al. (3,366,336). Rejections based on the newly cited reference(s) follow.

### ***Claim Objections***

2. Claim 21 is objected to because of the following informalities:

Claim 21, line 8 of page 7, "portions" should be --portion--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22 is not clear since it defines the channel in two different ways. First, it is defined to extend along the main body portion. Second, the molding is claimed to be "configured to define the channel". It is not clear how the molding is configured to be the channel. The examiner suggests rewriting claim 22 such that it defines the channel as a part of the molding and then further define it with the intended limitations, such as the "channel extends laterally along the main body portion".

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 5, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neuschwanger et al. (3,366,336) in view of Gedritis et al. (6,623,688)

Neuschwanger et al. discloses a cowl structure that is positioned in a space between a lower front edge of a windshield (18) and a hood. The cowl extends laterally across the vehicle. The cowl includes a main body planar portion shown as the horizontal member extending from end (78) in Figure 3, a laterally extending channel (68), and a plurality of spaced apart mounting housing structures (78,80). The planar portion, the channel (68), and the housing structures (78,80) are integral with one another. Windshield washer fluid stored in bottle (110) is delivered to the windshield (18) through the channel (68) to the nozzles (118) in the housing structures (78,80). The housing structures (78,80) have openings that face rearward. In reference to claim 3, the mounting housing structures (78,80) have end portions that form the nozzle housings that extend from the upper surface of the main body portion, as shown in Figure 3. Figure 3 also shows that the nozzle housings have rearwardly opening cavities that are in fluid communication with the channel (68). In reference to claims 21 and 5, nozzles (118) are inserted into the cavities and direct fluid received through the channel (68) and a respective connector passage (70) to the windshield (18). The mounting housing structures (78,80) have end portions that form the nozzle housings that extend from the

upper surface of the main body portion, as shown in Figure 3. In reference to claim 22, the channel (68) is part of a structure that is secured to the rear edge of the main body portion, as shown in Figure 3. However, Neuschwanger et al. do not disclose the cowl structure being molded.

Gedritis et al. teaches forming a cowl structure (32) by a gas assisted molding process.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form integral the cowl structure of Neuschwanger et al. by a gas assisted molding process, as taught by Gedritis et al., as an obvious expedient that would result in a cowl structure with the desired shape and stiffness.

7. Claims 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Neuschwanger et al. (3,366,336) in view of Gedritis et al. (6,623,688), as applied to claim 1, further in view of Eustache et al. (5,561,882).

Neuschwanger et al., as modified, does not disclose the claimed grille openings. In this rejection the edge of the cowl structure closest to the windshield is designated the front edge.

Eustache et al. teach a cowl grill structure (300) having grille openings that are laterally spaced and located in the middle portion of the cowl structure, as seen in Figure 2.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form laterally spaced grill openings in the middle portion of the main body portion of Neuschwanger et al., as taught by Eustache et al., resulting in a structure with the channel forward of the grille openings, to provide an air inlet for the HVAC system of the vehicle.

***Response to Arguments***


8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Blankenship whose telephone number is 571-272-6656.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gab  
August 31, 2005

  
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PRIMARY EXAMINER  
Art Unit 3612